

Judge Pauley

07 CV 4654

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

Plaintiff,

07 CV

-v-

VERIFIED COMPLAINT

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.,

Defendant(s).

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Plaintiff, NORTON LILLY INT'L and SECURITY SERVICES NORTHWEST, INC. (hereinafter "Plaintiffs"), by its attorneys, CHALOS, O'CONNOR & DUFFY, L.L.P., and GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM, L.L.P. as and for its Verified Complaint against Defendant LOUIS DREYFUS CORP. and Defendant NATIONAL NAVIGATION CO., (hereinafter "Defendants"), alleges upon information and belief as follows:

JURISDICTION

1. The Court has subject matter jurisdiction by virtue that the underlying claim herein is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and within the admiralty and maritime jurisdiction of this Court under 28 U.S.C. § 1333.

THE PARTIES

2. At all times material hereto, Plaintiff, NORTON LILLY INT'L, was and still is a domestic business entity duly organized and existing pursuant to the laws of the

State of Washington, with an office and principal place of business at 1201 First Ave. South, Suite 330, Seattle, WA. 98134.

3. At all times material hereto, Plaintiff, SECURITY SERVICES NORTHWEST, INC., was and still is a domestic business entity duly organized and existing pursuant to the laws of the State of Washington, with an office and principal place of business at 2131 Clay Street, Port Townshend, WA. 98368.

4. At all times material hereto, Defendant, NATIONAL NAVIGATION CO., was and still is a foreign business entity duly organized and existing pursuant to the laws of a foreign country, with an office and principle place of business at 4 El Hagaz St. Roxy Heliopolis, Cairo, Egypt.

5. At all times material hereto, Defendant, LOUIS DREYFUS CORP., was and still is a foreign business entity duly organized and existing pursuant to the laws of a foreign country, with an office and principle place of business at 87 Avenue de la Grande Armee, 75782, Paris Cedex 16.

FACTS AND CLAIM

6. On or about 12 March 2006, NORTON LILLY INT'L, acting at the request of, and as husbanding agent for, NATIONAL NAVIGATION CO. (registered owner of M/V EDFU), and LOUIS DREYFUS CORP. (charterer of M/V EDFU), procured necessary services required for operation of said vessel (pursuant to United States Coast Guard Order 06-26 of the Captain of the Port Puget Sound, Seattle, WA.).

7. Pursuant to the terms and conditions of the agreement, US\$25,972.30 remains undisputedly due and owing to SECURITY SERVICES NORTHWEST, INC. and/or

8. Despite repeated demands for payment of the outstanding balance, Defendants NATIONAL NAVIGATION CO. and LOUIS DREYFUS CORP., have failed, neglected and/or otherwise refused to pay, SECURITY SERVICES NORTHWEST, INC.

BASIS FOR ATTACHMENT

9. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but the Defendant is believed to have or will have during the pendency of this action, certain assets, accounts, freights, monies, charter hire, credits, effects, payment for bunkers, goods or services, bills of lading, cargo and the like belonging to or claimed by the Defendant within this District held by various parties, as garnishees, including by not limited to electronic fund transfers.

10. Plaintiffs believe that some of these assets, to wit: bank accounts; payments from the purchasers of cargoes; freight and/or hire payments to or from owners of vessels, or charterers, to Defendants NATIONAL NAVIGATION CO. and LOUIS DREYFUS CORP. and/or Clearing House Interbank Payment System (CHIPS) credits or funds being transferred through intermediary banks, are located in this District in the possession of garnishees, including ABN AMRO BANK, American Express Bank, Bank of America, Bank of China, Bank of New York, Bank of Tokyo Mitsubishi Ltd., Barclay's Bank, BNP Paribas SA, Calyon, Calyon Financial, Inc., Chase Manhattan Bank, Citibank N/A, Credit Suisse Securities (USA) LLC, Deutsche Bank, HSBC (USA), JP Morgan Chase Bank, Mashreqbank, Societe Generale, Standard Chartered Bank, UBS

AG, U.S. Bank, Wachovia Bank, Wells Fargo Bank, CHIPS and possibly other banks or financial institutions located in New York.

WHEREFORE, Plaintiffs pray:

A. That process in due form of law issue against the Defendant, citing them to appear and answer under oath all, and singular, the matters alleged in the Verified Complaint;

B. That since the Defendant cannot be found within the District, as set forth in the Declaration of George M. Chalos, and pursuant to Rule B and Rule E of the Supplemental Rules of Certain Admiralty and Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B and Rule E of the Supplemental Rules for Certain Admiralty and Maritime Claims, attaching all of Defendant's tangible or intangible property or any other funds held by any garnishees in the district which are due and owing, or other property of the Defendant, up to the amount of US\$51,944.60 to secure and satisfy the Plaintiffs' claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B and Rule E answer the matters alleged in the Complaint;

C. That Plaintiffs may have such other, further and different relief as may be just and proper.

Dated: Port Washington, New York
June 1, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiffs
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

By:



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

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**VERIFICATION OF
COMPLAINT**

NATIONAL NAVIGATION CO. &
LOUIS DREYFUS CORP.,

Defendant(s).

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Pursuant to 28 U.S.C. §1746, GEORGE M. CHALOS, Esq., declares under the penalty of perjury:

1. I am a Member of the law firm of CHALOS, O'CONNOR & DUFFY, L.L.P., counsel for the Plaintiffs, NORTON LILLY INT'L and SECURITY SERVICES NORTHWEST, INC., hereinafter (Plaintiffs).

2. I have read the foregoing Verified Complaint and know the contents thereof; and

3. I believe the matters to be true based on documents and information obtained from employees and representatives of the Plaintiffs through agents, underwriters and attorneys of same.

4. The reason that this verification was made by deponent and not by the Plaintiffs is because Plaintiffs are domestic corporations, whose officers are not in this district, and whose verification cannot be obtained within the time constraints presented by the circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Port Washington, New York
June 1, 2007

CHALOS, O'CONNOR & DUFFY, L.L.P.
Attorneys for Plaintiffs
NORTON LILLY INT'L &
SECURITY SERVICES NORTHWEST, INC.

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